

USDC No. 3:21cv234-MPM-JMV

**IN THE CIRCUIT COURT OF TUNICA COUNTY, MISSISSIPPI
CIVIL DIVISION**

BERNICE RUTLAND,**Plaintiff,****v.****Case No.: 2021- 0111**

**CAESARS HOLDINGS, INC., d/b/a
HORSESHOE CASINO, TUNICA;
DESERT MEDICAL EQUIPMENT,
d/b/a DESERT MEDICAL EQUIPMENT, INC.,
AND JANE DOE**

Defendant.

COMPLAINT

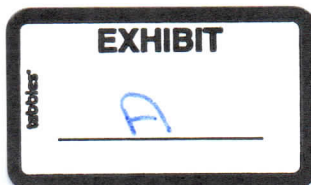
Comes now Bernice Rutland, the Plaintiff, by and through her attorney of record, James F. Valley, J. F. VALLEY, ESQ., P.A. and for her complaint would respectfully show the following unto the court:

JURISDICTION AND VENUE

1. The Circuit Court of Tunica, County, Mississippi, has jurisdiction of this case because the plaintiff is seeking damages against the defendant in this civil proceeding, thereby, giving this Court jurisdiction under Mississippi Code Annotated § 11-11-3(1)(a)(i) civil action ... shall be commenced in the county where the defendant ... corporation has its principal place of business or ... where a substantial act or omission occurred or where a substantial event that caused the injury to occur.

2. The venue of this action in Tunica, County, Mississippi, pursuant to the Mississippi Code Annotated § 11-11-3.

PARTIES



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F I L E D

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TUNICA COUNTY, MISS.
SHARON G. REYNOLDS, CIRCUIT CLERK
BY Mich. Mark, etc

3. Plaintiff, at the time of the incident and when filing the complaint, is a resident of Lula, Coahoma County, Mississippi.

4. At all times, material and relevant hereto, defendant Caesars Holdings, Inc., is the owner of the property which provided or allowed motorized wheelchairs to be provided on the property where plaintiff sustained injuries. Caesars Holdings, Inc. is in the State of Mississippi and authorized to do business in the State of Mississippi. The registered agent is CORPORATION SERVICE COMPANY, 7716 Old Canton Rd, Suite C, Madison, MS 39110. Desert Medical Equipment, which is the company which supplied the motorized wheelchairs, is in the State of Mississippi and authorized to do business in the State of Mississippi. The registered agent is Bryan Schultz, 1120 Broad Ave, Gulfport, MS 39501. Jane Doe 1 is the operator of the motorized wheelchair and the plaintiff is presently unaware of her real name and will substitute her name in an amended complaint upon discovering her proper legal name.

FACTUAL BACKGROUND AND ALLEGATIONS COMMON TO ALL COUNTS

5. On the 14th day of September 2019, Bernice Rutland was a patron at the Horseshoe Casino, which is operated by Caesars Holdings, Inc.

6. Bernice Rutland, accompanied by her sister-in-law, Brenda Reyna, had gone to the casino for some gaming entertainment.

7. While playing one of the slot machines, Bernice Rutland was abruptly struck and slung several feet behind her original position by a motorized chair being operated by another patron of the casino. There is a video of this incident. The wheelchair was provided by Desert Medical Equipment, according to the case management personnel with Caesars.

8. That the plaintiff was badly injured from the impact of the motorized scooter making contact with the swivel chair and her leg that slung her to the floor several feet behind her original position.

9.. That the Plaintiff made every effort to stay on her feet and keep her footing, however, the strike was swift and forceful. Rutland never saw the strike coming. She was basically ambushed

10. Angela King and Brittany Avery were forced to get out of the way in order to not be struck by the same motorized wheelchair that struck Bernice Rutland. After the incident, Brenda Reyna was approached by Angela King and Brittany Avery who were witnesses to the events.

11. After Rutland and Reyna insisted, an employee of Caesar's Holding took a statement from Ms. Rutland and took pictures of her immediately following the incident. That the employees failed and refused to stop the lady operating the motorized scooter. Instead, the employee escorted Reyna and Rutland from the casino which was a humiliating act on the part of the casino. Reyna and Rutland were very embarrassed by their treatment from the casino personnel.

12. That the defendant owed the plaintiff the duty to use ordinary care to maintain the premises in a reasonably safe and hazard-free condition.

13. That plaintiff contends the defendant failed to maintain the premises in a reasonably safe condition, and that condition caused the injuries and damages complained of by the plaintiff in this case.

COUNT ONE
NEGLIGENCE

14. As a cause of action and ground for relief, the plaintiff alleges the factual matters described in the previous paragraphs of this Complaint as part of this count.

15. That at no time did the defendants or either of them attempt to make contact with the operator of the motorized wheelchair.

16. This incident was by negligence of the defendant, which consists of, but is not limited to, the following, which negligence was a proximate cause of the alleged injuries and damages sustained by the plaintiffs, viz:

(a) Negligently failed to maintain the premises in a safe condition for business invitees.

(b) Failed to use ordinary care under the circumstances.

(c) Failed to inspect and maintain the premises so as to avoid the injuries.

(d) Failed to train the wheelchair operator on proper use of the motorized wheelchair;

(e) Failure to stop the motorized wheelchair operator and ascertain whether she was under the influence of any intoxicants; and

(f) Was otherwise guilty of negligence, which will be more particularly described during the course of litigation.

DAMAGES

17. Plaintiff, sustained injuries and damages, and as a result of the incident, which injuries and damages consist of, but are not limited to, the following, viz:

(a) Past medical expenses;

(b) Past and future pain and suffering;

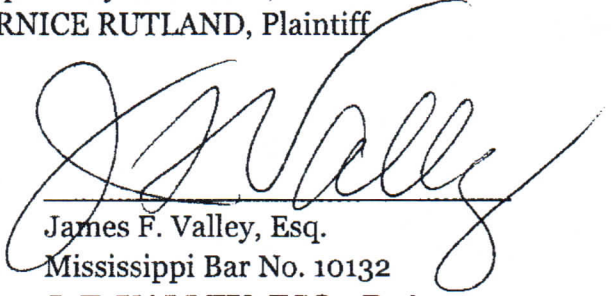
- (c) Past and future mental anguish;
- (d) Loss of ability to earn in the future;
- (e) Scars, disfigurement, and other visible results of her injuries; and
- (f) Other damages that will be more particularly described during the course of the litigation.

JURY DEMAND

18. Plaintiff, pursuant to the Rules of Civil Procedure and the local practice, demands a jury trial on all factual issues.

Respectfully Submitted,
BERNICE RUTLAND, Plaintiff

By:



James F. Valley, Esq.

Mississippi Bar No. 10132

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